

Required Report - public distribution

Date: 7/29/2009

GAIN Report Number:

Poland

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report - see also EU-27 FAIRS from USEU Brussels

Approved By:

Prepared By:

Jolanta Figurska, Katarzyna Kowalska

Report Highlights:

Section Updated: Section VI. Other Regulations and Requirements and Section VII. Other Specific Standards. As a member of the European Union (EU), Poland is to follow EU directives and regulations, with the exception of a few requirements. Poland's adherence to EU regulations continues to evolve. In 2008/09 there have been increasingly frequent situations where exporters have had cargos stopped at Poland's borders because past practices and forms have been overtaken by imposition of the EU system. Exporters should be cautious and check with the FSIS & APHIS Export Libraries, or be in contact with your importer, for the most recent EU regulations that Poland should be using. It is recommended that this report be read in conjunction with the EU Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium, available at <http://useu.usmission.gov/agri/fairs.html>.

Section I. Food Laws:

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Warsaw, Poland for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Based on the EU single market principle, Poland, as a member of the EU, mostly adheres to EU regulations governing agro-food imports. There are a few exceptions. Exceptions can occur when a member country can substantiate a health concern about a product; there is leeway (actual or perceived) in how a member can interpret an EU directive; and when harmonized EU legislation is lacking, for example, for vitamins, minerals and pesticide residues. Wide variations in inspection fees, registration fees and in the time required to evaluate ingredients also exist between member countries. For these reasons, exporters are strongly encouraged to work closely with local importers. The following link contains more information on the harmonization of EU food regulations: www.useu.be/agri/harmonization.html.

Most of the regulations relevant to food and agricultural imports into Poland have been harmonized with EU regulations.

Local regulations governing food products are contained in the Polish Food Law (Ustawa o Bezpieczeństwie Żywności i Żywnienia) published on September 27, 2006 (Polish Journal of Law 2006, Nr 171, pos. 1225). The text of that law (link in Polish only) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20061711225&min=1>

The basic law on list of food products imported and their minimum amount which must be liable to quality control was published on October 7, 2008 in the Polish Journal of Law, Nr. 190, pos. 1166 (link in Polish only) and can be located at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20081901166>

Section II. Labeling Requirements:

Polish labeling regulations follow EU requirements. The basic law on food labeling was published on July 31, 2007 in the Polish Journal of Law, Nr. 137, pos. 966 (link in Polish only) and can be located at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20071370966&min=1>

This law was updated to comply with additional EU regulations.

- Use by Dates: Poland strictly enforces the EU date format requirement of dd/mm/year. The dates must be stated as best before (“najlepiej spożyć przed dd/mm/year”). For very perishable foods, the last day of consumption (“należy spożyć do dd/mm/year”) must be marked on the label. Storage and use instructions must also appear on the label, as necessary. For example, storage instructions would be required on the label of a product that appeared to need refrigeration but, in fact, did not.

- Diet Supplements: Poland takes a much stricter approach with diet supplements labeling than other EU countries. Polish regulations require the wording “diet supplement” (“suplement diety”) be used with the product brand name wherever the brand name is mentioned on the product label.

Section III. Packaging and Container Regulations:

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at

<http://useu.usmission.gov/agri/fairs.html>

Section IV. Food Additives Regulations:

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at

<http://useu.usmission.gov/agri/fairs.html>

Section V. Pesticides and Other Contaminants:

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at

<http://useu.usmission.gov/agri/fairs.html>

Section VI. Other Regulations and Requirements:

VAT and Excise Tax

Poland has a Value Added Tax (VAT) for agricultural and food products. The VAT is applied in the same manner to both imported and domestically produced products and ranges from 7 percent to 22 percent, depending on the product. A lower VAT is applied to semi-processed commodities such as Non-Fat Dry Milk. A higher VAT is applied to processed commodities, such as bake mixes and retail products. Local VAT rates are similar to rates within other EU countries, but have not been harmonized and are unlikely to be so any time soon.

The basic law on Value Added Tax was published on March 11, 2004 in the Polish Journal of Law 2004, nr 54 pos. 535 (link in Polish only) and can be located at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20040540535>

Poland's excise tax levels are higher than in most other EU countries. Imported products must have excise tax stickers on them before entering Poland. Once the product enters the country, the remainder of the tax must be paid.

Other regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at

<http://useu.usmission.gov/agri/fairs.html>

Marketing Quality of Agricultural Food Products

The basic law on market quality of food agricultural products was published on October 24, 2008 in the Polish Journal of Law, Nr. 214, pos. 1346 (link in Polish only) and can be located at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20082141346>

The above law includes strict regulations concerning products, which are falsified e.g. product content does not match product ingredient list. Information about falsified food products will be published on website of Chief Inspector for Trade Quality Control of Agricultural Food Products.

Section VII. Other Specific Standards:

Products Derived from Biotechnology

In 2006, the Polish government banned the sale and registration of biotech seeds. In July 2008, the Senate (upper house of the Polish Parliament) made a last minute attempt to prevent Poland from allowing a ban on biotechnology events in animal feeds which was scheduled to come into force on August 12, 2008. After the above regulation was signed by Poland's President, the introduction was extended until December 31, 2012. These regulations reportedly violate EU obligations and EU officials have begun infringement proceedings. Work on a new regulation for biotechnology, including the coexistence rules, is currently in progress within the Ministry of Environment. The official date of completion, end of 2009, was presented to the European Commission by Poland's government. Otherwise, Poland adheres to EU directives regulating biotechnology, especially those governing food products produced from biotech crops.

Polish officials oppose biotechnological use in agriculture and consistently vote against biotechnological products submitted by EU officials to member states for approval, despite the European Food Safety Authority (EFSA) ruling their safety. For more information about biotechnology in Poland refer to FAS/Warsaw GAIN PL8003, PL8020 and PL7037 available at: <http://www.fas.usda.gov/scripts/AttacheRep/default.asp>

Imports of Bovine Genetics

Imports of bovine genetics to Poland are based on requirements outlined in the Commission Decision 2008/120/EC dated February 7, 2008 amending Council Directive 88/407/EEC and Commission Decision 2004/639/EC laying down the importation conditions of semen of domestic animals of bovine species.

Detailed information regarding EU requirements concerning imports of bovine genetics is available at the following web address:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:042:0063:0082:EN:PDF>

In addition to the EU regulations, the exporters must follow Polish regulations on imported genetic material. The Polish regulations on imported genetic material are based on the breeding law enforced in August 2007. Bovine semen, of US origin, must be accompanied by the veterinary health certificate (see above) and a set of documents confirming breeding value of the bull from which the semen derives. The pedigree from the bull needs to be on official paper and needs an authorized signature from the issuing authority. The breeding value of the bull and semen quality is reviewed by the Animal Breeding Institute in Balice near Krakow based on the European system of bull evaluation, "Interbull". Once all the requirements are met, the Polish Breeders Federation issues a certificate and it is sent to the Ministry of Agriculture for final approval. It takes four weeks for a shipment to be approved. There is no need for approval for every shipment that comes in. The approval is for each bull and is good for two years. This regulation applies only to non-EU countries. Poland cannot require these documents from other EU nations, and this policy clearly discriminates against non-EU genetics. USDA continues to object to these regulations. Any problems in obtaining certification should be sent to FAS/Warsaw at agwarsaw@fas.usda.gov.

Other regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at:

<http://useu.usmission.gov/agri/fairs.html>

Section VIII. Copyright and/or Trademark Laws:

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at:

<http://useu.usmission.gov/agri/fairs.html>

Section IX. Import Procedures:

Registration of Imported Food Products

New to Market Products

Regulations concerning new products introduced into Poland are specified in a regulation established by the Minister of Health, on August 25, 2006 (Polish Journal of Law 2006, Nr 171, pos. 1225). The description of import procedure is presented in Chapter 8. The text of that law (in Polish) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20061711225>

This regulation applies to domestic products as well as imported products. Novel food products must go through a different registration procedure with health authorities (Główny Inspektorat Sanitarny). [Note: Novel foods are foods, and food ingredients, that have not been used for human consumption to a significant degree within the Community before May 15, 1997.]

An importer of a product new to the Polish market can request pre-approval (i.e., prior to export) of a product by submitting a letter to health authorities requesting a permit for product entry (“powiadomienie”).

The following documentations are required to request a pre-approval permit:

- Copy of invoice
- any required certificates
- Producer’s laboratory analysis, if available (used to speed the clearance process.)
- Draft Polish language label that includes all product ingredients

On average, the pre-approval process takes about one month and can speed entry of a product. If pre-approval clearance is not requested, full product testing may be implemented and the product held at the border until testing is completed.

If pre-approved, a product can be cleared at the Polish border with the following routine trade documentation:

- Importer’s request for sanitary inspection (3 copies)
- Invoice
- Transportation document e.g. airway bill
- Health Certificate/Phytosanitary Certificate/Microbiological Certificate
- Additional documentation from producer confirming products production standards (laboratory tests, certificates etc.)

A product not pre-approved for import requires the same documentation, but also will likely be subject to laboratory analysis and certification verification, which could take several weeks or longer. During this time, the product will be held by border officials and subject to storage fees, which could be significant.

Once an importer starts to import a product on a regular basis, not every shipment will need to be tested. Products of producers/importers with a clean record with local health authorities will be tested once a year or less frequently. Other products could be tested every 6 months after the first border control.

Products Already in the EU Market

If an importer of a product already present in the EU provides a letter from the producer confirming this fact, the product can be allowed to enter Poland without additional clearance. The producer must provide the confirmation and there is no special format for such a letter.

Other regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at:
<http://useu.usmission.gov/agri/fairs.html>

Appendix I. Government Regulatory Agency Contacts:

Ministry of Agriculture and Rural Development

Office of the Minister

ul. Wspolna 30

00-930 Warsaw

Tel: 48-22 623-1000

Fax: 48-22 623-2750

Web page: <http://www.minrol.gov.pl/DesktopDefault.aspx>

Ministry of Agriculture and Rural Development

Department of Plant Breeding and Protection

Deputy Director, Wieslaw Podyma

Tel: 48-22 623-2554

Fax: 48-22 628-8784

<http://www.bip.minrol.gov.pl/DesktopDefault.aspx?TabOrgId=579&LangId=0>

Ministry of Agriculture and Rural Development

Department of Plant Breeding and Protection

GMO specialist, Malgorzata Wozniak, Tel: 48-22 623-2336

Fax: 48-22 628-8784

<http://www.bip.minrol.gov.pl/DesktopDefault.aspx?TabOrgId=579&LangId=0>

General Veterinary Inspector

Office of the Chief Veterinary Officer

Dr. Ewa Lech, CVO

ul. Wspolna 30

Warsaw

Tel: 48-22 623-2089

Fax: 48-22 623-1408

Email: wet@wetgiw.gov.pl

Web page: <http://www.wetgiw.gov.pl>

Ministry of Agriculture and Rural Development

State Inspector for Plant Protection and Seeds

(Panstwowa Inspekcja Ochrony Roslin i Nasiennictwa)

Ms. Mirosława Konicka, Chief Inspector

ul. Wspolna 30

Warsaw

Tel: 48-22 623-2302

Fax: 48-22 623-2304

Email: gi@piorin.gov.pl, piorin@piorin.gov.pl

Web page: <http://www.piorin.gov.pl/>

Główny Inspektor Jakości Handlowej Artykułów Rolno-Spożywczych

(Chief Inspector for Trade Quality Control of Agricultural Food Products)

Ms. Dorota Krzyzanowska

Department Director

ul. Wspolna 30

00-930 Warsaw

Tel: 48-22 623-2913

Fax: 48-22 623-2996

Email: dkrzyzanowska@ijhars.gov.pl, kgz@ijhars.gov.pl

Web page: <http://www.ijhars.gov.pl/>

Main Sanitary Inspection (Główny Inspektorat Sanitarny - GIS)

Mr. Andrzej Wojtyła, Chief Sanitary Inspector

ul. Długa 38/40

00-238 Warsaw

Tel: 48-22 635-1559

Fax: 48-22 635-6194

Web page: <http://www.pis.gov.pl/>

Ministry of Environment

Department of Environmental Protection

Biotech Specialist, Agnieszka Dalbiak or Joanna Rybak

Tel: 48-22 579-2538 or 579-2723

Fax: 48-22 579-2555

Web page: www.mos.gov.pl

Appendix II. Other Import Specialist Contacts:

National Food and Nutrition Institute

Prof Mirosław Jarosz

Section for Food and Nutrition Director

ul. Powsińska 61/63

02-903 Warsaw

Tel: 48-22 651-6330 550-9620

Fax: 48-22 842-1103

Web page: <http://www.izz.waw.pl/>

State Hygiene Office- (Panstwowy Zakład Higieny) - PZH

Prof. Jan Krzysztof Ludwicki, Vice Director, ph: 48-22 849-7084

ul. Chocimska 24

Warsaw

Tel: 48-22 849-4051 ext. 359, 339

Fax: 48-22 849-3513, 849-7441

Web page: <http://www.pzh.gov.pl/>

Voivodship Sanitary Station in Warsaw - SANEPID - actual tests & check ups

Mr. Zbigniew Kutyba, Voivodship Sanitary Inspector

ul. Żelazna 79

00-875 Warsaw

Tel: 48-22 620-1656, 620-9001 ext. 142

Fax: 48-22 654-7860

Web page: <http://www.wsse.waw.pl/>

Polish Center for Research and Certification

Ms. Ewa Słowinska

Manager Food Department

ul. Kłobucka 23A

02-699 Warsaw

Tel: 48-22 464-5524, 857-9916, 647-0722

Fax: 48-22 464-5459, 647-1222, 647-1109

Email: cert.wyr@pcbc.gov.pl

Web page: www.pcbc.gov.pl